

C. REMARKS

In response to the non-final Office Action dated June 23, 2004, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Upon entry of the Amendment, claims 1-28 will be pending in this application with claims 1, 11-15, 22 and 28 being independent. Applicant respectfully submits that the claims as presented are in condition for allowance.

35 U.S.C. §103(a) Lechleider/Drew et al. Rejection

Claims 1-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 20020193103 to Daly ("Daly") in view of U.S. Publication No. 20030054809 to Bridges et al. ("Bridges"). Applicant traverses this rejection.

Applicant has amended the claims in order to expedite prosecution. In particular, Applicant has amended independent claims 1, 11-15, 22, and 28 to recite comparing the ESN acquired from the mobile communications occurs at a moment when the IRDB template is to be downloaded to ensure correct IRDB template selection from an IRDB database of available IRDB templates.

The Examiner has admitted that Daly fails to teach or suggest selecting an IRDB template based on an ESN. Applicant submits that Bridges is devoid of any teaching or suggestion of comparing an ESN acquired from the mobile communications occurs at a moment when the IRDB template is to be downloaded to ensure correct IRDB template selection from an IRDB database of available IRDB templates. Consequently, the teachings of Bridges cannot remedy the deficiencies of Daly with respect to amended independent claims 1, 11-15, 22 and 28.

Applicant submits that even if Daly could be combined with Bridges, which Applicant does not admit, such combination fails to disclose all the elements of amended independent claims 1, 11-15, 22 and 28. In addition, the prior art of record fails to provide any suggestion or motivation to modify or combine reference teachings or of a reasonable expectation of success from such a combination.

Applicant submits, therefore, that claims 1, 11-15, 22, and 28 are allowable for at least the reasons above and that claims 2-10, 16-21, and 23-27 are allowable by virtue of their dependency, as well as on their own merits.

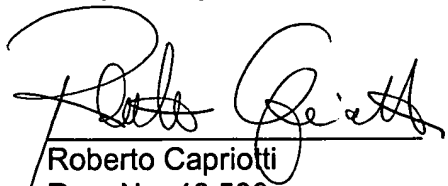
Accordingly, withdrawal of the rejection of claims 1-28 is respectfully requested.

D. CONCLUSION

Applicant submits this application is in condition for allowance and request favorable action in the form of a Notice of Allowance.

Dated: September 23, 2004

Respectfully submitted,


Roberto Capriotti
Reg. No. 46,599

Attorney for Applicant
Customer No. 42799

KIRKPATRICK & LOCKHART LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, Pennsylvania 15222-2312

Telephone: (412) 355-8956
Facsimile: (412) 355-6501